

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
November 18, 2010
Costa Mesa, California

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Acting Chairman Bill Jackson called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., November 18, 2010, in the Costa Mesa City Council Chambers, Costa Mesa, California.

ATTENDANCE

Board Members Present

Bill Jackson
Jack Kastorff
Hank McDermott
Guy Prescott
Dave Thomas

Board Members Absent

John MacLeod
Willie Washington

Board Staff

Marley Hart, Executive Officer
Mike Manieri, Principal Safety Engineer
Tom Mitchell, Senior Safety Engineer
David Beales, Legal Counsel
Bernie Osburn, Staff Services Analyst
Chris Witte, Executive Secretary

Division of Occupational Safety and Health

Joel Foss, Acting Principal Safety Engineer

Others present

Steven Johnson, ARC-BAC
Wendy Holt, CSATF/AMPTP
Jay Weir, AT&T
Dick Roberts, Cal-OSHA
Terry Thedell, SDG&E
Kevin Bland, CFCA, RCA

Joan Gaut, CTA Liaison
Thomas Carle, USDOL, OSHA
Michael Hall, Pacific Maritime Association
Larry Pena, Southern California Edison
Kevin Thompson, Cal-OSHA Reporter

B.

OPENING COMMENTS

Acting Chair Jackson indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2

There was no public comment.

C.

ADJOURNMENT

Acting Chair Jackson adjourned the public meeting at 10:03 a.m.

II. PUBLIC HEARING

A.

PUBLIC HEARING ITEM

Acting Chair Jackson called the Public Hearing of the Board to order at 10:03 a.m., November 18, 2010, in the Costa Mesa City Council Chambers, Costa Mesa, California.

Acting Chair Jackson opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 7
Section 3328
Machinery and Equipment

Mr. Manieri summarized the history and purpose of the proposal and indicated that it was ready for the Board's consideration and the public's comment.

There was no public comment on this item.

Mr. Prescott expressed concern regarding the narrow parameters used by the Appeals Board regarding regulatory language, stating that there could be a problem if, at some time in the future, something comes loose and flies, rather than falls. He suggested modifying the language to state "loosening and/or fallening" in order to clarify the Board's intent.

Acting Chair Jackson then introduced the next item noticed for Public Hearing:

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 25
Section 3657
Elevating Employees with Lift Trucks

Mr. Manieri summarized the history and purpose of the proposal and indicated that it was ready for the Board's consideration and the public's comment.

The following speakers expressed support for the proposal as written and thanked Mr. Mitchell for his work, both in the advisory committee and in developing the proposal:

- Kevin Bland, representing the Roofing Contractors' Association and the California Framing Contractors' Association, and representing Bruce Wick of the California Professional Association of Specialty Contractors'.
- Steve Johnson, Director of Safety and Compliance Services for the Associated Roofing Contractors of the Bay Area Counties.

Mr. Prescott expressed concern regarding duplicative language in subsections (j)(7) and (k)(5)(C), stating that they appear to be saying the same thing, but using very different language.

B. ADJOURNMENT

Acting Chair Bill Jackson adjourned the Public Hearing at 10:15 a.m.

III. BUSINESS MEETING

Acting Chair Bill Jackson called the Business Meeting of the Board to order at 10:15 a.m., November 18, 2010, in the Costa Mesa City Council Chambers, Costa Mesa, California.

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 29
Section 1709
Maximum Allowable Load
(Heard at the August 19, 2010, Public Hearing)

Mr. Manieri summarized the history and purpose of the proposal and indicated that

the proposal is now ready for the Board's adoption.

MOTION

A motion was made by Mr. Thomas and seconded by Mr. Prescott that the Board adopt the proposal.

A roll call was taken, and all members voted "aye." The motion passed.

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales stated that one of the matters on the Consent Calendar, the Bulgari case, was the subject of a full variance hearing held on October 25, 2010, and to the extent that any comments were made about the Bulgari case at the variance hearing that was held just prior to today's Board meeting, unless Mr. Prescott and Mr. Manieri object, those comments would be stricken as unnecessary. As to the other matters that were properly heard just before today's Board meeting, there is one San Diego Gas and Electric modification and there are three access-stair matters. The proposed decisions regarding those are in the Board packet. Those proposed decisions will be modified to include statements to the effect that Mr. Prescott proceeded as the sole hearing panel member, as Mr. Washington was unable to attend because of flight delays. Mr. Beales asked the Board to adopt the proposed decisions as modified.

MOTION

A motion was made by Mr. Thomas and seconded by Mr. Kastorff to adopt the consent calendar as modified.

A roll call was taken, and all members voted "aye." The motion passed.

C. OTHER

1. Legislative Update

Mr. Beales stated that there was no legislative update.

2. Executive Officer's Report

Ms. Hart summarized the Calendar of Activities and stated that the Diacetyl proposal had been approved by the Office of Administrative Law on November 2, and would become effective on December 2, 2010. Ms. Hart also stated that she would be attending the quarterly Federal OSHA meeting to discuss the Enhanced

Federal Annual Monitoring and Evaluation Report (EFAME) and the Department of Industrial Relations' response.

3. Future Agenda Items

Mr. Prescott asked about deleting 2011 Board meetings in cities where TSA uses the new security system until both the health and the privacy issues have been resolved to the public's satisfaction. In addition, Mr. Prescott asked that, in lieu of traveling to the meetings each month, perhaps the Board could use webinars and other alternatives. He acknowledged the requirement that the Board hold meetings throughout the state, but current technology allows for alternatives to travel.

Ms. Hart responded that she has been told that we do not have the capability at this time to hold webinars. She also stated that the meeting schedule for 2011 is included in the Board packets and that the meeting for San Diego has been finalized as part of the staff's long-range planning.

D. CLOSED SESSSION

The Closed Session was cancelled.

E. ADJOURNMENT

Acting Chair Bill Jackson adjourned the Business Meeting at 10:24 a.m.